

*REMARKS/ARGUMENTS*

In reply to the Office Action mailed December 14, 2007 in the referenced patent application, Applicant respectfully traverses the restriction requirement for the following reasons.

According to the Office Action, the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, Groups I, II, and III do not share the same special technical feature because the invention of claim 1 lacks novelty or inventive step over US 2,848,323 (hereinafter, "Harris et al.") and/or US 5,575,972 (hereinafter, "Mitsubishi et al.").

The Applicant maintains that claim 1 is novel and provides an inventive step over Harris and Mitsubishi.

Claim 1 defines a high-alloy ferritic steel alloy comprising, *inter alia*, at the most 0.01 percent by weight aluminum. Harris, in contrast, teaches an alloy having a minimum of 0.05 percent by weight aluminum. Because Harris fails to disclose the claimed weight percent of aluminum, claim 1 is novel over Harris.

Claim 1 furthermore provides an inventive step over Harris because Harris teaches away from the claimed alloy. Harris teaches the importance of the amount of aluminum as permitting an increase in the percentage of nitrogen that may be safely added to the alloy (col. 1, lines 47-55). Because Harris emphasizes the importance of the higher aluminum content to their alloy, Harris teaches away from the claimed alloy having a maximum of 0.01 weight percent aluminum. Thus, claim 1 has an inventive step over Harris.

Claim 1 also provides an inventive step over Mitsubishi. Claim 1 defines a high-alloy ferritic steel alloy comprising, *inter alia*, at the most 0.01 percent by weight niobium. In contrast, Mitsubishi teaches an alloy having 0.3-2.1 percent by weight niobium (col. 3, lines 11-12). In fact, Mitsubishi emphasizes the importance of the higher niobium content to its alloy as contributing to the improvement of high-temperature strength, resistance to high-temperature deformation, and thermal shock resistance (col. 2, line 67 to col. 3, line 8). Mitsubishi further teaches that when niobium is less than 0.3%, "the desired effects are unobtainable" (col. 3, lines 6-9). Thus, claim 1 provides an inventive step over Mitsubishi.

Because claim 1 is novel and provides an inventive step over the cited references, Groups I, II, and III relate to a single general inventive concept under PCT Rule 13.1.


Accordingly, the restriction requirement is improper and, upon reconsideration, should be withdrawn.

However, to comply with the requirements of the Patent and Trademark Office, Applicant provisionally elects Group II (claims 8-11) directed to a watch casing and other watch parts.

A favorable action is solicited.

The Commissioner is authorized to charge any extension of time fees pursuant to 37 CFR 1.17(a)-(d) associated with this communication and to credit any excess payment to Deposit Account No. 12-1216. A duplicate copy of this Response is attached.

Respectfully submitted,

  
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